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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,581	11/26/2003	Brett Watson-Luke	500.828US1	7613

7590 07/12/2006

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EXAMINER

MYINT, DENNIS Y

ART UNIT PAPER NUMBER

2162

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/723,581

Applicant(s)

WATSON-LUKE, BRETT

Examiner

Dennis Myint

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/15/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-32 have been examined.

#### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**MPEP 2106 IV.B.2.(b)** states that “a claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts”.

***MPEP 2106.II.A states that “a process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994)”.***

Claims 19-32 in view of the above-cited MPEP sections are not statutory because they merely recite a number of computing steps without producing any tangible results and/or being limited to practical application within the technological arts. The claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable. **The use of a computer is not evident in the claim.** MPEP 2106.IV.B.1 (a) refers to “computer-readable” medium with computer program encoded on it.”

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 15-17, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Surasinghe (U.S. Patent Application Publication Number 2004/0194069).

As per claim 1, Surasinghe is directed to a method and teaches the limitations:

“graphically presenting a set of one or more icons, wherein the icons are associated with a configuration management system repository and configuration items stored in the configuration management system repository, wherein the icons are presented in a hierarchical view” (Figures 2A and 2B ; Paragraphs 0030, i.e., *provides to a user one ore more graphical user interfaces (GUIs) 20 that allows a use to view, create, and/or edit*; and Paragraph 0031, i.e., *The user selects a rule category of interest by clicking on one of the appropriate buttons 22-30*. Note that when user creates and edits, user input is inherent; Figure 1: *Data Base 16* and Paragraph 0028, i.e., *the database using dynamic schema that link the fields and sub-fields to the various types or categories of rules, as discussed in more detail below*; and Paragraph 0038

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and Figure 4A, i.e., *the DBLRI generates a parse tree for each expression.. Note Figure 4A wherein Tree 100 and hierarchy of icons 62a are depicted.*);

“receiving a command associated with the set, wherein the command is received through a graphical user interface, and wherein the command is associated with operations for modifying the configuration management system repository” (Figures 2A and 2B ; Paragraphs 0030; and Paragraph 0031, i.e., *The user selects a rule category of interest by **clicking on** one of the appropriate buttons 22-30. In the example, the user selects validation rules by clicking on button 24.* Note that by way of click-ons (inputs), the method of Surasinghe determines data type which is associated with a set of configuration items (*types of trading rules*).);

“requesting performance of the operations for modifying the configuration management system repository” (Paragraph 0031, i.e., *The user selects a rule category of interest by **clicking on** one of the appropriate buttons 22-30;* and Paragraph 0032); and

“modifying the graphical presentation of the set to reflect the modification of the configuration management system repository” (Paragraph 0037-38, i.e., *The DBLRI generally produces a parse tree when the corresponding business logic rule controls day-to-day, or “on-line”, actions. and Therefore, the parse tree may be populated and used directly by the application program or the parse tree may be used to produce an associated DLL*).

Referring to claim 2, Surasinghe teaches the limitation:

“wherein the configuration management system repository includes an operation support system” (Paragraph 0026-0027. Note that the system of Surasinghe is an operating support system. ).

Referring to claim 3, Surasinghe teaches the limitation:

“wherein the operations for modifying the configuration management repository are selected from the set consisting of a copy operation, a delete operation, a move operation, a search operation, and a difference operation” (Paragraph 0032, i.e., *However, the user may add new parameters, and write new rules or edit exiting rules by selectively incorporating various parameters, operators and functions.; and Paragraph 0030, i.e., provides to a user one ore more graphical user interfaces (GUIs) 20 that allows a use to view, create, and/or edit. ).*

Claim 15 and 19 are rejected on the same basis as claim 1.

Claim 16 and 20 are rejected on the same basis as claim 2.

Claim 17 and 21 are rejected on the same basis as claim 3.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surasinghe in view of Ward et al. (hereinafter "Ward") (U.S. Patent Number 5103421).

Referring to claim 4, Surasinghe does not explicitly teach the limitation:

"represented at a highest level of the hierarchy".



Ward teaches the limitation “represented at a highest level of the hierarchy” (Column 3 Lines 20-27, i.e., *The compiler abstracts from these artifact sets until a highest level in the hierarchy is created which is then symbolically represented by a icon.*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of abstracting a set of items in a database to the highest level of a hierarchy and representing said set with an icon, as taught by Ward, to the method of Surasinghe so that, in the resultant method, the configuration management system repository will be represented at a highest level of the hierarchy. One would have been motivated to do so in order to *provide the user with a high level language (a high level editing feature) in which to compose new designs (new configurations) and then performs some of the detailed design process* (Ward, Column 2 Lines 33-36).

Claim 18 and 22 are rejected on the same basis as claim 4.

8. Claims 5-10, 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surasinghe in view of Viswanath (U.S. Patent Application Publication Number 20040/0019670).

Referring to claim 5, Surasinghe teaches the limitations:

“receiving a request to modify one or more configuration items, wherein the request is associated with a direct manipulation GUI command, wherein the configuration items are associated with configuration item icons, and wherein the configuration items are stored in a configuration management system repository” (Figures 2A and 2B ; Paragraphs 0030, i.e., *provides to a user one ore more graphical user interfaces (GUIs) 20 that allows a use to view, create, and/or edit;* and Paragraph 0031, i.e., *The user selects a rule category of interest by clicking on one of the appropriate buttons 22-30.* Note that when user creates and edits, user input is inherent; Figure 1: Data Base 16 and Paragraph 0028, i.e., *the database using dynamic schema that link the fields and sub-fields to the various types or categories of rules, as discussed in more detail below;* and Figures 2A and 2B ; Paragraphs 0030; and Paragraph 0031, i.e., *The user selects a rule category of interest by **clicking on** one of the appropriate buttons 22-30. In the example, the user selects validation rules by clicking on button 24.* Note that by way of click-ons (inputs), the method of Surasinghe determines data type which is associated with a set of configuration items (*types of trading rules*).);

“modifying the one or more configuration items, wherein the modifying includes modifying one or more configuration items” (Figures 2A and 2B ; Paragraphs 0030; and Paragraph 0031, i.e., *The user selects a rule category of interest by **clicking on** one of the appropriate buttons 22-30. In the example, the user selects validation rules by clicking on button 24.* Note that by way of click-ons (inputs), the method of Surasinghe

determines data type which is associated with a set of configuration items (*types of trading rules*).);

“generating low-level representations of the one or more configuration items” (Paragraph 0028, i.e., *New fields and sub-fields are added to the database using dynamic schema that link the fields and sub-fields to the various types or categories of rules.*; Paragraph 0032, i.e., *However, the user may add new parameters, and write new rules or edit exiting rules by selectively incorporating various parameters, operators and functions* ; and Paragraph 0066-0067, i.e., *The DBLRI also allows a user to define new data objects within pre-defined data types, and thus, create new defined terms or keywords. and The user adds a newly defined object, that is, a new bill, to the data type by entering a new definition ID in the appropriate block of GUI 1720..*); and

“exporting the low-level representations to a database” (Figure 1: *Database 16* and Paragraph 0028, i.e., *The database 16 is a dynamically configurable.* Note that Database 16 stores all the configuration items, which are all low-level presentations.).

Surasinghe does not explicitly teach the limitation: “high-level representations”.

Viswanath teaches the limitation:

“high-level representations” (Paragraph 0065, i.e., *the meta-information 226 may be configuration information in any of different formats including, but not limited to, XML, LDAP, DTD, schema, database-based and **file-based**.* ).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the method of implementing configuration information

in high-level representations, as taught by Viswanath, with the method of Surasinghe so that, in the resultant method, configuration information will also be implemented in high-level representations. One would have been motivated to do so in order to

Referring to claim 6, Viswanath teaches the limitation:

“wherein the high-level representations include Extensible Markup Language (XML) code” (Paragraph 0065, i.e., *the meta-information 226 may be configuration information in any of different formats including, but not limited to, XML, LDAP, DTD, schema, database-based and file-based.*).

Referring to claim 7, Viswanath teaches the limitation:

“wherein the low-level representations are generated based on the high-level representations” (Paragraph 0066-0069, i.e., *the meta-information 226 may include server and component configuration information as well as registered application information (i.e. low-level configuration information) and there is a hierarchical relationship among the elements of the configuration data; and Elements may have sub-elements that may be used to describe hierarchical data of the system. For example, an element “server” may have sub-elements “web container”, “resources,” “applications” etc.*). In the method of Viswanath, both high-level representations (meta-information) and low-level representations (sub-elements of the configuration information) are

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stored in meta-information 226 and said low-level representations are generated based on high-level representations.

Referring to claim 8, Viswanath teaches the limitation:

“wherein the low-level representations include XML code” (Paragraph 0065, i.e., *the meta-information 226 may be configuration information in any of different formats including, but not limited to, XML, LDAP, DTD, schema, database-based and file-based.*).

Referring to claim 9, Surasinghe teaches the limitation:

“wherein the database is part of an operations support system” (Paragraph 0028, i.e., *database 16*). Note that the system of Surasinghe is an operating support system.

Referring to claim 10, Surasinghe teaches the limitation:

“wherein the configuration management system repository is part of an operations support system” (Paragraph 0028, i.e., *database 16*). Note that the system of Surasinghe is an operating support system.

Claim 23 is rejected on the same basis as claim 5.

Claim 24 is rejected on the same basis as claim 6.

Claim 25 is rejected on the same basis as claim 7.

Claim 26 is rejected on the same basis as claim 8.

Claim 27 is rejected on the same basis as claim 9.

Claim 28 is rejected on the same basis as claim 10.

9. Claims 11-14 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surasinghe in view of Viswanath and further in view of Cronin et al. (hereinafter "Cronin") (U.S. Patent Number 6772396).

Referring to claim 11, Surasinghe in view of Viswanath teaches the limitations:

"receiving a request to change contents of a configuration management system repository, wherein the contents include a first set of low-level configuration items, wherein the request is based on a copy command, a delete command, or a move command received from a graphical user interface (GUI), and wherein the GUI presents the configuration items in a hierarchy view" (Surasinghe, Figures 2A and 2B; Paragraphs 0030; and Paragraph 0031, i.e., *The user selects a rule category of interest by **clicking on** one of the appropriate buttons 22-30. In the example, the user selects validation rules by clicking on button 24.* Note that by way of click-ons (inputs), the method of Surasinghe determines data type which is associated with a set of

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configuration items (*types of trading rules*); Paragraph 0028, i.e., *New fields and sub-fields are added to the database using dynamic schema that link the fields and sub-fields to the various types or categories of rules.*; Paragraphs 0030, i.e., *provides to a user one ore more graphical user interfaces (GUIs) 20 that allows a use to view, create, and/or edit;* ;Paragraph 0032, i.e., *However, the user may add new parameters, and write new rules or edit exiting rules by selectively incorporating various parameters, operators and functions ;* and Paragraph 0066-0067, i.e., *The DBLRI also allows a user to define new data objects within pre-defined data types, and thus, create new defined terms or keywords. and The user adds a newly defined object, that is, a new bill, to the data type by entering a new definition ID in the appropriate block of GUI 1720.*; and Figure 1: *Database 16* and Paragraph 0028, i.e., *The database 16 is a dynamically configurable.* Note that Database 16 stores all the configuration items, which are all low-level presentations.; and Paragraph 0038 and Figure 4A, i.e., *the DBLRI generates a parse tree for each expression..* Note Figure 4A wherein *Tree 100 and hierarchy of icons 62a are depicted.*);

“changing the contents of the configuration management system repository based on the request, wherein the changing includes, creating, modifying, or deleting high-level configuration items, wherein the high-level configuration items are associated with ones of the first set of low-level configuration items” (Surasinghe, Paragraphs 0030, i.e., *provides to a user one ore more graphical user interfaces (GUIs) 20 that allows a use to view, create, and/or edit;* and Viswanath, Paragraph 0066-0069); and

“transforming the high-level configuration items into a second set of low-level

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configuration items" (Viswanath, Paragraph 0066-0069, i.e., *the meta-information 226 may include server and component configuration information as well as registered application information (i.e. low-level configuration information) and there is a hierarchical relationship among the elements of the configuration data; and Elements may have sub-elements that may be used to describe hierarchical data of the system. For example, an element "server" may have sub-elements "web container", "resources," "applications" etc.*). In the method of Viswanath, both high-level representations (meta-information) and low-level representations (sub-elements of the configuration information) are stored in meta-information 226 and said low-level representations are generated based on high-level representations or said higher-level representations are transformed into lower-level representations.

Surasinghe in view of Viswanath does not explicitly teach the limitation:

"wherein the transforming includes applying one or more of a third set of stylesheets; comparing the second set to the first set; and creating, modifying, or deleting ones of the first set, based on the comparing".

Cronin teaches the limitation:

"wherein the transforming includes applying one or more of a third set of stylesheets" (Column 7 Lines 48 through Column 8 Line 10, i.e., *The style sheets are stored in XSL format and contain any desired customization options the target site desire.*);

"comparing the second set to the first set; and



creating, modifying, or deleting ones of the first set, based on the comparing”  
(Column 11 Line 66 through Column 12 Line 12, i.e., *However, all of the stories in this index file do not necessarily need to be republished, since many may have already been published on the target site. Consequently, the content export manager 162 calls the difference engine 164 that generates the difference index file 170 (act 200). The difference engine reads the master index file 177 located in the content store 176 and compares the master index file to the index file 168. The difference engine then determines the sections and stories in the index file 168 that are new, deleted, or added. ).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the features of employing XSL style sheets to transform XML files and comparing newly generated XML files to the existing ones to find differences for deleting/editing, as taught by Cronin, to the method of Surasinghe in view of Viswanath so that, in the resultant method, transforming the high-level configuration items into a second set of low-level configuration items, wherein the transforming includes applying one or more of a third set of style sheets and comparing the second set to the first set for creating, modifying, or deleting ones of the first set, based on the comparing. One would have been motivated because the use of XSL style sheets to transform files written in markup languages are well known in the art.

Referring to claim 12, Viswanath teaches the limitation:

“wherein the high-level configuration items are represented using Extensible Markup Language (XML)” (Paragraph 0065, i.e., *the meta-information 226 may be configuration information in any of different formats including, but not limited to, XML, LDAP, DTD, schema, database-based and file-based.*).

Referring to claim 13, Viswanath teaches the limitation:

“wherein the low-level configuration items are represented using XML” (Paragraph 0065, i.e., *the meta-information 226 may be configuration information in any of different formats including, but not limited to, XML, LDAP, DTD, schema, database-based and file-based.*).

Referring to claim 14, Surasinghe teaches the limitation:

“wherein the configuration management system repository is part of an operations system support system” (Paragraph 0028, i.e., *database 16*). Note that the system of Surasinghe is an operating support system.

Claim 29 is rejected on the same basis as claim 11.

Claim 30 is rejected on the same basis as claim 12.

Claim 31 is rejected on the same basis as claim 13.

Claim 32 is rejected on the same basis as claim 14.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.

- (1) U.S. Patent Application Publication Number 2002/0026339 (Frankland et al.)
- (2) U.S. Patent Application Publication Number 2006/0059107 (Elmore et al.)
- (3) U.S. Patent Application Publication Number 2003/0135665 (Barker et al.)
- (4) U.S. Patent Number 6983317 (Bishop et al.)
- (5) U.S. Patent Number 5867494 (Krishnaswamy et al.)
- (6) U.S. Patent Application Publication Number 2003/0133552 (Pillai et al.)
- (7) U.S. Patent Application Publication Number 2001/0047279 (Gargone)
- (8) U.S. Patent Application Publication Number 2002/0184111 (Swanson)

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

AU-2162

*Camyung*  
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